

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

FEDERAL TRADE COMMISSION,
STATE OF ILLINOIS, and
STATE OF MINNESOTA,

Plaintiffs,

vs.

GTCR, LLC,
GTCR BC HOLDINGS, LLC, and
SURMODICS, INC.,

Defendants.

CASE NO. 1:25-cv-02391

Honorable Jeffrey I. Cummings
Magistrate Judge Gabriel Fuentes

**NON-PARTY MADURO MEDICAL, INC.’S
UNOPPOSED MOTION TO SEAL CONFIDENTIAL TRIAL TESTIMONY**

Non-party Maduro Medical, Inc. (“Maduro”) respectfully moves the Court for an order, pursuant to Section IX.m of the Pre-Hearing Order entered at ECF No. 243, to close the courtroom to the public for any discussion of confidential matters or material during the testimony of Maduro’s President and Chief Technology Officer, Brian Martin, and to seal any portion of the record containing the same.

There is good cause to grant Maduro’s motion. Mr. Martin received a subpoena to testify at the hearing from the FTC, and Maduro understands that Plaintiffs and Defendants may question Mr. Martin about confidential topics concerning Maduro’s business that Maduro does not disclose to the public, including about products under development and the anticipated timeline for the commercialization of products that are under development; its proprietary evaluations of and interactions with suppliers; its historical use of suppliers and contract manufacturers; and details about pricing and negotiations, among other sensitive topics of questioning.

The Supreme Court has held that public access to court proceedings is a matter of discretion for trial courts. *Nixon v. Warner Communications, Inc.*, 435 U.S. 589, 597-99 (1978). The right of the public to access judicial proceedings “must be balanced against competing values[.]” *In re Associated Press*, 162 F.3d 503, 508 (7th Cir. 1998). Courts have recognized that, in the context of protecting confidential information from disclosure, “the burden to show good cause is less demanding on non-parties.” *See In re Northshore University Healthsystem*, 254 F.R.D. 338 (N.D. Ill. 2008).

Mr. Martin’s testimony at the upcoming preliminary injunction hearing will undoubtedly contain highly confidential and competitively sensitive commercial information, public disclosure of which would be harmful to non-party Maduro. Maduro has a strong interest in keeping this proprietary and competitively sensitive commercial information confidential. Maduro is willing to confer with the parties to assist them in structuring their examinations to consolidate all *in camera* portions together so as not to burden the Court and the public with multiple *in camera* sessions with a single witness, consistent with this Court’s order.

Maduro has conferred with counsel for Plaintiffs and is informed that Plaintiff and Defendants do not oppose this motion, though Defendants stated they reserve the right to oppose whether certain information requires sealing.

WHEREFORE, for good cause shown, non-party Maduro respectfully requests that the Court grant this motion and close the courtroom during portions of Mr. Martin’s testimony containing confidential information and seal any court records regarding said testimony.

Dated: August 22, 2025

Respectfully submitted

/s/ Jeffrey B. Kirschenbaum

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CERTIFICATE OF SERVICE

I certify that, on August 22, 2025, I caused a copy of the foregoing document to be filed using the Court's CM/ECF system.

/s/ Jeffrey B. Kirschenbaum
Jeffrey B. Kirschenbaum

Counsel for Non-Party Maduro Medical, Inc.